

Bill No. SB 2668

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Mitchell moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Chapter 28887, Laws of Florida, as amended, is codified, reenacted, amended, and repealed as herein provided.

Section 2. The charter of the Baker County Hospital District and Baker County Hospital Authority are re-created and reenacted to read:

Section 1. The entire area embraced within the boundaries or limits of Baker County is declared to be and is established as a public hospital district, to be known as Baker County Hospital District, for the purpose of building, equipping, maintaining, and operating a hospital, geriatric and skilled nursing facility, and outpatient medical care facility within the county for the use and benefit of citizens and residents of Baker County and the extension, when available and feasible, of such care to patients from other

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1 and adjoining counties and states.

2 Section 2. There is created a public, nonprofit
3 authority, which is designated as Baker County Hospital
4 Authority, for the purpose of erecting, building, equipping,
5 maintaining, and operating within the Baker County Hospital
6 District, a hospital, geriatric and skilled nursing facility,
7 and outpatient medical care facility; and authority is hereby
8 given to the authority to build, erect, equip, maintain, and
9 operate such facilities in Baker County. The authority is
10 further authorized, when services are available without injury
11 or deprivation to the citizens and residents of Baker County,
12 to extend the use of such facilities to patients from
13 adjoining and other counties and states, upon the payment of
14 the cost of the use of such facilities. However, at all times
15 and in all cases, preference in use and services may be given
16 to any patient or patients who may apply who are citizens or
17 residents of Baker County; and the purposes of such facility
18 are hereby declared to be public purposes.

19 Section 3. The directors of the Baker County Hospital
20 Authority shall consist of five appointed by the Governor for
21 terms of 4 years, except unexpired terms in which case the
22 appointment shall be to the end of such unexpired term only.
23 Upon failure of any person to accept within 30 days after
24 appointment the Governor shall make another appointment. Any
25 director whose term has expired shall remain in office until a
26 replacement is appointed by the Governor. Each member of the
27 authority shall be a citizen and resident of Baker County and
28 be of good character and reputation. No person shall be a
29 member of the authority who is engaged in the practice of
30 medicine or is interested directly or indirectly in any drug
31 business or who holds any of the following offices: clerk of

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1 circuit court, sheriff, county judge, superintendent of public
2 instruction, property appraiser, tax collector, state senator,
3 or state representative.

4 Section 4. The Baker County Hospital Authority shall:

5 (a) Have perpetual existence.

6 (b) Be entirely a nonprofit entity, its net earnings
7 to be used solely for its stated purposes herein.

8 (c) May contract and be contracted with, and may sue
9 and be sued, but the authority shall not be liable for any
10 negligence of any of its officers, agents, or employees,
11 including doctors and surgeons and nurses who may be engaged
12 in work at or about the facilities and shall not be liable for
13 any tort committed by any officer, agent, or employee of the
14 authority.

15 (d)(1) The members of the authority shall have
16 complete charge of all business and property of the authority,
17 to the same extent and with the same general powers usually
18 given to directors of a private corporation; and a majority of
19 said members shall at any regular or called meeting constitute
20 a quorum; and they shall have power to adopt and promulgate
21 bylaws, and rules and regulations for the management of the
22 authority and the operation and management of the facilities
23 owned by the authority; to employ and discharge all persons
24 who may be employed by the authority; and to fix their
25 salaries; to receive and disburse for its purposes as herein
26 authorized all moneys appropriated to and paid over to the
27 Baker County Hospital Authority, to accept gifts, donations,
28 and grants from the Federal Government or otherwise, for
29 purposes of the authority, including grants of land and
30 donations of money and other property, title to all such real
31 and personal property shall vest in the authority and when

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1 deemed by them necessary and advisable, they may sell such
2 property as may be donated and/or acquired and which is not
3 needed for purposes of the authority; to employ and discharge
4 such employees, as in their judgment may be needed for the
5 purposes of the authority.

6 (2) The authority shall have the power to establish
7 such reasonable charges to be made to patients or their
8 families or to persons legally responsible for the treatment
9 of such patients, as the authority shall determine necessary
10 for the maintenance and operation of its facilities, and for
11 the accomplishment of the maximum good of the people of Baker
12 County; and the authority shall have the power to sue for and
13 collect all amounts which may reasonably be charged to
14 patients or others responsible for them.

15 (e) The authority shall be and have all the powers of
16 a public body corporate and politic, to establish, acquire,
17 own, and operate its hospital, geriatric, and other
18 facilities, to lease such facilities for operation and to
19 delegate to said lessee such of its rights hereunder as shall
20 be in the opinion of the authority necessary for the operation
21 of the leased facilities; to provide health care services
22 determined by the authority to be in the best interest of the
23 persons utilizing such facilities and services; to do and
24 perform any and all acts or services that may be incidental or
25 necessary to carry out those purposes or intended to improve
26 the physical or mental health of the persons utilizing such
27 facilities and services; to form, contribute to, and
28 participate in all manner of alliances and organizations
29 involved in the delivery, marketing, sale, and payment of
30 health care services; and to engage in any lawful act or
31 activity in which a not-for-profit corporation providing

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1 health care services may engage under the laws of Florida,
2 including by way of example and not limitation, the power, the
3 exercise of which is declared to be for a public purpose:

4 (1) To have perpetual existence as a body politic and
5 corporate.

6 (2) To adopt and use, and prescribe the use of, a
7 common seal and one or more service marks, and to alter the
8 same at pleasure.

9 (3) To contract and enter agreements with public and
10 private entities.

11 (4) To acquire, purchase, hold, develop, improve,
12 modify, lease as lessee or lessor, and convey such real and
13 personal property as the authority may deem proper or
14 expedient to further the purposes of this act, as amended.

15 (5) To borrow money, incur indebtedness and, by
16 resolution of the authority, to issue notes, revenue
17 certificates, bonds, and other evidences of indebtedness
18 payable from revenues, lease participations, or legally
19 available funds of the authority, and to fund or refund the
20 same, all upon such terms and conditions and containing such
21 provisions as shall be approved by the authority.

22 (6) To borrow money and, by resolution of the
23 authority, issue anticipation notes payable from the
24 anticipated proceeds of bonds, notes, certificates, lease
25 participations, revenues, grants, agreements with public or
26 private entities, or legally available funds of the authority,
27 and to fund or refund the same, all upon such terms and
28 conditions and containing such provisions as shall be approved
29 by the authority.

30 (7) To establish and authorize a medical staff to
31 direct and control medical staff and allied health

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1 practitioners with privileges to perform professional services
2 in the hospital and other facilities operated by the
3 authority. The authority may establish bylaws, rules, and
4 regulations governing the organization of such medical staff;
5 the selection, appointment, and reappointment of such medical
6 staff members; the selection, credentialing, and
7 recredentialing of allied health practitioners; the
8 disciplining or removal of medical staff members and allied
9 health practitioners; the delimitation of medical staff and
10 allied health privileges; the professional and administrative
11 duties of members of the medical staff; and such other matters
12 as the authority may address so that the health and well-being
13 of patients and the best interests of the hospital and other
14 facilities authorized pursuant to this act may at all times be
15 served.

16 (8) To enter into arrangements with other public or
17 private hospitals or entities to provide for the cooperative
18 sharing of facilities and other resources, as well as to
19 provide for the merger or consolidation of hospitals or
20 facilities into the authority's facilities, in order to
21 improve the quality of patient care in Baker County and
22 neighboring counties, achieve higher utilization of resources,
23 improve cost control measures, avoid unnecessary duplication
24 of resources within those counties, and help make it possible
25 for residents of those counties to obtain and afford the
26 benefits of technological and scientific improvements in
27 hospital care and services.

28 (9) To engage in, and pay from its funds those
29 expenses of the type normally incurred in, the establishment,
30 acquisition, operation, repair, maintenance, expansion, and
31 diversification of an integrated system for the delivery of

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1 physical, emotional, mental or other health care services,
2 consisting of, without limitation, hospitals, clinics, health
3 maintenance organizations, ambulatory care facilities, nursing
4 homes and congregate and assisted living facilities, home
5 health providers, hospice facilities, managed care
6 organizations and facilities, other alternative delivery
7 systems now or hereafter conceived, self-insurance and
8 risk-retention programs, captive insurance companies and
9 support organizations, and organizations and facilities
10 intended to prevent sickness, injury, or disease or promote a
11 healthy lifestyle.

12 (10) To provide either independently or in cooperation
13 with other public or private agencies, an appropriate location
14 or locations for the delivery of quality hospital care and
15 related services and treatment to patients who are determined
16 according to criteria established or approved by the authority
17 to be medically indigent. The authority may establish policies
18 providing at reduced or no charge for the treatment of those
19 patients who, after reasonable inquiry, are found by the
20 hospital management to be without the means to pay in full.
21 The authority may, from time to time, establish guidelines for
22 the hospital management in making such inquiry and
23 determinations. The authority may collect from patients who
24 are found to have the means to pay such charges as the
25 authority may, in its sole discretion, from time to time
26 establish.

27 (11) To do all things which are customarily done by
28 other hospitals, public or private, similarly situated, and
29 which will further the purposes of this act.

30 (12) To exercise all implied powers necessary to
31 further the purposes of this act, which implied powers,

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1 although not named, are expressly granted.

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3 The express examples of powers enumerated herein shall not be
4 construed to limit or preclude the exercise of any other
5 power, express or implied.

6 Section 5.(a) The members of the authority shall give
7 a bond for the faithful handling and accounting of all money
8 received by them, from whatever source, for the authority, and
9 for the lawful disbursement thereof, in a sum or sums
10 sufficient to indemnify the authority against all losses, such
11 bond or bonds to be made payable to the authority, and the
12 premiums for said bonds to be paid as an authority expense.

13 (b) Funds of the authority may be paid out only upon
14 drafts, checks, or warrants signed by persons duly authorized
15 by the authority to execute such instruments for purposes
16 consistent with this act. The authority may authorize the use
17 of facsimile signatures under conditions specified by the
18 authority. All funds of the authority shall be deposited in
19 banks which are qualified under state law to accept deposits
20 of public funds. The authority may deposit or invest its
21 surplus funds in interest-bearing accounts, instruments, or
22 securities, to the fullest extent permitted by general law.

23 Section 6. The members shall serve the authority
24 without compensation, but shall be reimbursed for their
25 reasonable and necessary expenses incurred in attending to the
26 affairs and business of the authority.

27 Section 7.(a) The authority shall be and remain an
28 independent special district with the power to levy up to but
29 not in excess of 5 mills of ad valorem taxation per year on
30 all taxable real and personal property located within the
31 boundaries of the Baker County Hospital District.

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1 (b) It shall be the duty of the property appraiser of
2 Baker County to make such assessment and the duty of the tax
3 collector to collect such assessment imposed by the authority
4 when made; and the money collected from such tax shall be paid
5 over monthly to the authority.

6 (c) It shall be the duty of the authority to prepare a
7 budget and to determine not later than such date of each year
8 as shall enable the county tax collector to perform his or her
9 statutory duties the amount of millage, not exceeding 5 mills,
10 needed and required to be levied for the next ensuing fiscal
11 year for the "Hospital Tax"; and it shall be the duty of all
12 Baker County officials to cooperate with the authority in
13 making available data on which such budget may be made.

14 Section 8. For the purpose of carrying out the
15 provisions of this act there is hereby appropriated to the
16 authority, the sum of the first \$25,000, or any part thereof,
17 of any and all pari-mutuel revenues in excess of \$33,000
18 annually that may be received by Baker County under the
19 provisions of chapter 550, Florida Statutes, to be used for
20 the purposes of the authority.

21 Section 9. The members of the authority may elect one
22 of their members as chair of the authority, and the chair
23 shall exercise such powers with respect to the affairs of the
24 authority as may be given him or her by a duly adopted
25 resolution of the authority. The authority may establish such
26 other officers as deemed necessary from time to time by the
27 authority.

28 Section 10. All property which may be acquired or
29 owned by the authority shall be exempt from taxation of every
30 kind.

31 Section 11. The Legislature intends that the

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1 provisions of this act shall be liberally construed in order
2 to accomplish the remedial purposes of this act which are to
3 give the authority a reasonable opportunity to manage and
4 develop a hospital or hospitals and other facilities in an
5 increasingly competitive and rapidly changing marketplace in
6 order to provide quality and comprehensive health care for the
7 residents of Baker County. Where strict construction of this
8 act would result in the defeat of the accomplishment of any of
9 the purposes of this act, and a liberal construction would
10 permit or assist in the accomplishment thereof, the liberal
11 construction shall be chosen.

12 Section 12. Nothing contained herein shall be deemed
13 to impair the contractual obligation of the authority under
14 any existing lease agreement or contract or to impose any
15 additional obligation on any such contracting party.

16 Section 13. If any part, section, paragraph or
17 provision of this act should be held unconstitutional, it
18 shall not affect the constitutionality of the remainder of
19 this act.

20 Section 3. Except as specifically reenacted herein,
21 chapter 25679, Laws of Florida, 1949, chapter 28887, Laws of
22 Florida, 1953, chapter 30563, Laws of Florida, 1955, chapter
23 59-1062, Laws of Florida, chapter 63-1108, Laws of Florida,
24 and chapter 92-265, Laws of Florida, are repealed.

25 Section 4. In the event any section, or provision of
26 this act is determined to be invalid or unenforceable, such
27 determination shall not affect the validity of or
28 enforceability of each other section and provision of this
29 act.

30 Section 5. In the event of a conflict of the
31 provisions of this act, with the provisions of any other act,

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1 the provisions of this act shall control to the extent of such
2 conflict.

3 Section 6. This act shall take effect upon becoming a
4 law.

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 Delete everything before the enacting clause

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11 and insert:

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A bill to be entitled

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An act relating to Baker County; providing for
codification of special laws regarding special
districts pursuant to chapter 97-255, Laws of
Florida, relating to Baker County Hospital
District and Baker County Hospital Authority;
codifying and reenacting chapter 28887, Laws of
Florida, 1953, chapter 30563, Laws of Florida,
1955, chapter 59-1062, Laws of Florida, chapter
63-1108, Laws of Florida, and chapter 92-265,
Laws of Florida; providing for the operation of
a skilled nursing facility and outpatient
medical facility; providing for directors to
remain in office pending the appointment of a
replacement by the Governor; establishing
certain powers and responsibilities of the
authority; providing for certain financial
procedures of the authority; constituting the
authority as an independent special district
and providing for levy and collection of ad

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1 valorem taxation within the district;
2 appropriating a portion of pari-mutuel revenues
3 for the purposes of the authority; providing
4 that all authority property shall be exempt
5 from taxation of every kind; repealing section
6 2A, chapter 28887, Laws of Florida, 1953, as
7 amended, relating to the building, erecting,
8 equipping, maintaining, and operating of a
9 geriatric center; providing for construction of
10 the act; providing for repeal of special acts
11 relating to the Baker County Hospital District
12 and Baker County Hospital Authority; providing
13 an effective date.

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